

REMARKS

The Examiner has rejected claims 1, 3, 10, 18, 21 and 22 under 35 U.S.C. §112, second paragraph, as being indefinite for use of the term "stably rolling". The Applicants respectfully traverse the Examiner's determination that the term "stably rolling" is indefinite. The term "stably" was defined on page 6, paragraph [025], line 6 as meaning that "the sidewall 40 and the side surface 28 are sized, shaped and positioned to form a rolling path extending from the sidewall 40 to the side surface 28 for at least one pitch angle 12 of the head 10 in which the force of gravity restores a lacrosse ball to the rolling path within a range of roll angles 14 of the head 10." Further, as shown on page 10, paragraph [034], and in accompanying Figure 4, the rolling path is defined wherein the ball rolls along the rails 82, 84 along a portion of the length of the sidewalls 40, 50 without contacting the connecting portions 70 or lacrosse pocket. Thus, the Applicants respectfully submit that the term "stably rolling" is definite. Withdrawal of this rejection is respectfully requested.

The Examiner has also rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by E-Lacrosse. The Applicants respectfully traverse the Examiner's rejection. In reviewing pages 2 and 3 of the cited reference, the Examiner refers to pictures depicting the Brine Prophecy Lacrosse Head (the name Prophecy is noted on the ball stop portion of the lacrosse head illustrated as shown on the bottom of Page 3). The Applicants Attorney has obtained a Brine Prophecy Head, and notes that the Brine Prophecy Head cannot "stably roll" a lacrosse ball as required by claim 1, as the ball will contact the connecting portion located closest to the throat as a lacrosse ball is rolled from the outer surface of the sidewall to the outer side surface of the throat portion. As such, The E-Lacrosse reference does not anticipate claim 1 of the present invention. Reconsideration of claim 1 is thus respectfully requested.

The Examiner rejected claims 1-17, 24, 26 and 28 under 35 U.S.C. §103(a) as obvious over Hoult (3,702,702) and Official Notice. The Applicants respectfully traverse the Examiner's rejection for reasons previously stated in prior responses and for further reasons provided herein.

Hoult discloses a box lacrosse stick comprising a handle rigidly connected to a shank of a hooked portion. The hooked portion terminates at its distal end in a toe and the open side of the hooked portion between the toe and the shank is closed by a guard. Close inspection of Figure 3 shows the guard as having a smooth and flat outer surface. In addition, the outer surface of the hooked portion 14 corresponding to the sidewalls is illustrated in Figure 4, which is a section view of Figure 2 taken along line 4-4. As illustrated, the outer surface is also shown as flat and smooth. This is also noted as being the straight section 26. In addition, it is shown that the net 22 is coupled through the openings in both the guard 16 and hooked portion 14, and thus are visible and adjutting from the respective outer surfaces.

Thus, contrary to the Examiner's conclusion, Hoult does not disclose a lacrosse stick head that allows a ball to stably roll along at least half the length of the outer surface structure. In Hoult, the ball would at least contact the net extending through openings 23. Moreover, the flatness of the outer surfaces would not allow a ball to be retained on any path, but would simply fall off the lacrosse head due to the force of gravity regardless of the position of the lacrosse head. Thus, Hoult does not describe what is disclosed in independent claims 1, 18, 24 and 28, regardless of whether or not Official Notice is taken regarding the use of two solid sidewalls. As such, the rejection of claims 1-17, 24, 26 and 28 under 35 U.S.C. §103(a) as obvious over Hoult (3,702,702) and Official Notice is improper and must be withdrawn. Reconsideration of claims 1-17, 24, 26 and 28 is thus respectfully requested.

Additionally, the Examiner rejected claims 1-13, 17-23 and 28 under 35 U.S.C. §103(a) as obvious over Collinson (6,213,901). The Applicants respectfully traverse the Examiner's rejection, noting that Collinson does not disclose a lacrosse head that can "stably roll" a lacrosse ball as required by independent claims 1, 18 and 28,

As the Examiner notes on Page 4, line 3 of the Office Action, Collinson discloses an upper arm and a lower arm and a connection portion. As best shown in Figures 1

and 2, the connection portion that is traversed by the lead line for reference numeral 11 in Figure 1 and 11b in Figure 2 extends to the outer surface of the upper and lower arms (and is located near the throat). Thus, a ball rolling along upper arm portion and lower arm portion of the sidewall would contact the connection portion as it rolls across the connection portion from the middle of the sidewall toward the throat. Thus, the ball cannot "stably roll" across this portion of the sidewall. The same can be said regarding the connection portion that is traversed by the lead line to reference numeral 15 in Figure 1. As such, Collinson does not disclose what is claimed in independent claims 1, 18 and 28, and thus the rejection of claims 1-13, 17-23 and 28 as being obvious over Collinson is improper and must be overturned.

Further, the Examiner rejected claims 1-28 under 35 U.S.C. §103(a) as obvious over Morrow (6,066,056). As the Examiner indicates on page 8, Morrow does not disclose the ability to "stably" roll a ball along at least half its length. The Examiner then states that "the applicant has not disclosed that this limitation provides an advantage, is used for a particular purpose, or solves a stated problem." The Applicants respectfully disagree, and direct the Examiner to page 9, paragraph [032], the last full sentence, wherein the function of this feature is described as "to facilitate control of a lacrosse ball." Thus, because Morrow does not disclose the ability to "stably" roll a ball along at least half its length, and further does not provide the ability thusly to facilitate control of the lacrosse ball, the rejection of claims 1-28 over Morrow is improper and must be overturned. Reconsideration of claims 1-28 is thus respectfully requested.

Moreover, the Examiner rejected claims 1-13, 18-19 and 28 under 35 U.S.C. §103(a) as obvious over LeMire (20020107094). The Applicants respectfully traverse the Examiner's rejections for reasons provided in their November 2, 2006 and March 22, 2007 Responses and further for reasons specified herein.

Specifically, Lemire does not disclose an outer surface structure, defined by both the sidewalls and throat, that allows a ball to stably roll along at least half its length. At best, Lemire discloses such an outer surface structure in its sidewalls, but it does not

extend to the throat region. In fact, as shown in Figure 3B, the end of the side surfaces having this surface structure that allows the ball to travel along a portion of the outer surfaces of the sidewall terminates prior to the throat portion, creating a raised connection region. Thus, a ball rolling along the outer surface of the head along the sidewalls towards the throat would contact this connection portion prior to the throat region. Thus, Lemire does not disclose an outer surface structure (comprising both the sidewalls and throat) that is sized, shaped, and positioned for stably rolling a lacrosse ball along at least half of its length as in independent claims 1, 18, and 28. As such, the rejection of claims 1-13, 18-19 and 28 is improper and must be overturned. Reconsideration of 1-13, 18-19 and 28 is thus respectfully requested.

Finally, the Examiner rejected claims 14-17 and 20-27 under 35 U.S.C. §103(a) as obvious over LeMire as applied to claim 1 above, and further in view of Kohler et al (6,916,259). The Applicants respectfully traverse the Examiner's rejections for reasons provided in their November 2, 2006 and March 22, 2007 Responses and further for reasons specified herein. As noted above, Lemire does not disclose an outer surface structure (comprising both the sidewalls and throat) that is sized, shaped, and positioned for stably rolling a lacrosse ball along at least half of its length as in independent claims 1, 18, and 24. Kohler does not disclose this limitation either. Thus, the combination of Lemire and Kohler does not disclose what is claimed in independent claims 1, 18 and 24. Thus, the rejection of claims 14-17 and 20-27 under 35 U.S.C. §103(a) is improper and must be overturned. Reconsideration of claims 14-17 and 20-27 is respectfully requested.

With the changes, and as the Applicants have consistently maintained throughout the prosecution of this matter, independent claims 1, 18, 24, and 28 each require that the outer side surfaces of the throat or transverse wall with projections (as well as outer surfaces of the sidewalls in certain claims), include an additional structure that is related to a ball or lacrosse ball playability feature. The Applicants maintain that none of the cited references teach or suggest a lacrosse head in which the outer side surface of the throat and respective outer surface of the sidewall (or groove defined by

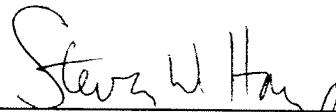
the outer side surface and outer structure of the sidewall) includes such a structure that are sized, shaped, or a positioned for stably rolling a ball (claims 1, 18). Similarly, the Applicants maintain that none of the cited references teach or suggest teach a lacrosse head having a transverse wall and projections for grabbing a lacrosse ball (claim 24), or teach or suggest a lacrosse head wherein the outer surface throat includes a concave depression having a size and shape for supporting a lacrosse ball (claim 28).

In view of the foregoing reasons, it respectfully submitted that all objections and rejections of record have been overcome and that all pending claims, namely claims 1-28, are in condition for allowance. A Notice of Allowance is therefore earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 04-1061 in the name of Dickinson Wright PLLC. The Examiner is invited to call the undersigned attorney if he has any questions or comments.

Respectfully Submitted,

DICKINSON WRIGHT PLLC



Steven W. Hays, Reg. No. 41,823
38525 Woodward Ave., Suite 2000
Bloomfield Hills, MI 48304
(248) 433-7245 (Direct)
(248) 433-7200 (Main)
(248) 433-7274 (FAX)

Dated: November 14, 2007
BLOOMFIELD 36228-14 872044v1